

REMARKS

After entry of the amendment above and the amendment filed November 20, 2001 (Amendment "E"), claims 1-7, 10, 12-13, 15, 17-20, 46, 48-64, 80 and 83-86 will be pending. Claim 55 was amended so as to recite a term with antecedent basis. Claim 56 was amended to reflect proper dependency. Claims 89-91 were amended so as to reflect consecutive numbering. No new matter has been added.

Attached hereto is a marked-up version of the changes made to the claims by the present amendment. The attached page is captioned "Version with markings to show changes made."

Applicants respectfully submit that the present application is entitled to the claim of priority to application serial no. 08/886,829, filed July 1, 1997 (the "829 priority application"). In the response filed November 20, 2001, Applicants identified specific support in the 829 priority application for each claim in the present application. Applicants traverse the Examiner's suggestion that the specification of application serial no 09/108,673 (the "673 application") does not support the present claims. The 673 continuation-in-part application includes the disclosure from the 829 priority application in addition to some new matter.

Further, Applicants traverse the Examiner's suggestion that the specification and claims of the parent applications do not provide sufficient support for the compositions of the present application. As identified in the table set forth in the response filed November 20, 2002, support for a composition comprising at least one oligonucleotide in an emulsion and at least one penetration enhancer can be found, for example, in the originally filed claims 1, 2 and 14 of the

829 priority application and on page 30. The identical disclosure and claims are present in the 673 application in claims 1, 2, and 14 and page 29. The parent applications support the present claims. Accordingly, the present application does not contain new matter and is entitled to the recited claim of priority.

Applicants received a Communication from the Examiner on March 14, 2002, forwarding a copy of the abstract of Japanese patent no 407330614A (the "614 abstract"). It is Applicants' understanding the 614 abstract has not been made of record. Applicants herein request that this be done. The 614 abstract discusses an emulsion for transduction of a gene into a cell, but does not disclose a composition comprising at least one **oligonucleotide** in an emulsion and at least one penetration enhancer, as recited in the claims as amended. Those of ordinary skill in the art would appreciate that an oligonucleotide used for antisense differs from a gene. As such, the 614 abstract does not disclose nor suggest every element of the claimed invention.

Applicants respectfully submit that the claims presently before the Examiner patentably define the invention over the prior art and are otherwise in condition for ready allowance.

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Please amend claims 55 and 56 as presented below. Please amend claims 89-91 as follows by renumbering the claims as 84-86 as presented below.

55. (Amended) The composition of claim 46 wherein said [nucleic acid] oligonucleotide is a ribozyme or a peptide nucleic acid.

56. (Amended) The composition of claim [46] 52 further comprising an enteric material that substantially prevents dissolution of said tablets or capsules in a mammalian stomach.

[89] 84. (Amended) The composition of claim 1 wherein said emulsion is an oil-in-water-in-oil emulsion or a water-in-oil-in-water emulsion.

[90] 85. (Amended) The composition according to claim 1, wherein said oligonucleotide is selected from the group consisting of SEQ ID NOS: 2, 48, 56, 49, 57, 58, 50, 16, 19, 51, 52, 53, and 54.

[91] 86. (Amended) The composition according to claim 46, wherein said oligonucleotide is selected from the group consisting of SEQ ID NOS; 2, 48, 56, 49, 57, 58, 50, 16, 19, 51, 52, 53, and 54.